

## REMARKS

With this amendment, claims 1 – 5, 7 - 10, 12 – 17, 19 – 21, 23 -34, 37 – 41, 43 – 46, 48 – 53, 55 – 57 and 59 - 70 are in the application. Reconsideration is respectfully requested.

### **Rejection Under 35 USC § 103(b)**

#### **Claim 1**

Claim 1 has been amended to clarify the arrangement of how information received by the biosensors triggers an action to send the information to a health care service.

Support for this amendment is provided in paragraph 96 on page 3 of the published specification (including Figure 25), and replaces the text formerly used to identify this particular feature.

In rejecting claim 1, the Examiner states in part that Goldenberg discloses the ability to transmit instructions to at least one health-care service in response to receipt of information indicating that at least one of the physical parameters of an individual with which one of the biosensors is associated is outside predetermined limits. Applicant respectfully disagrees.

Goldenberg discloses, paragraph 55, that the message sent by the processor to the physician is, in fact, merely a notice indicating the patient is not online. This message does not provide information as to the parameter that is exceeding the operating range. Thus, Goldenberg does not suggest the message referred to would indicate the parameter has been exceeded at all. Accordingly there is no explicit disclosure in paragraph 55 that would draw the physician's attention to it in the manner befitting an emergency. It follows that such a message could be overlooked or given a low priority before the physician would pay heed.

Claim 1 as amended, however, provides for any such message to be based on information from the biosensor falling outside predetermined limits and specifically requires that said information warrants immediate attention and, further still, presents the information that warrants immediate attention to the health care service. The immediacy of this message is clear and specifically identifies the information upon which the health care service must act.

The message according to Goldenberg does not contain this information and in fact paragraph 55 of Goldenberg suggests that it is merely designed to inform the physician that the

patient is not online. The physician is not required or motivated to take any action on this, and may or may not contact the patient through other means so as to have the patient online.

In view of the foregoing, it is clear that even if there were a reason to combine the Goldenberg and Causey references, Goldenberg fails to provide the claim limitations of amended claim 1 as discussed above. As noted in MPEP § 2143.03: "*To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).*

In the case at hand, therefore, the shortcomings of Goldenberg show that a proper *prima facie* case of obviousness has not been made, and the rejection of claim 1 and the claims depending therefrom should be withdrawn.

#### Claim 37

Independent method claim 37 has been amended in a manner as described above with respect to claim 1. Accordingly, for the reasons set forth above, claim 37 and all of its dependent claims are also patentable.

#### **Conclusion**

In view of the foregoing, applicant submits that all of the currently pending claims are in condition for allowance, and an early notification to that effect is respectfully requested. If the Examiner has any questions, he is invited to contact applicant's attorney at the telephone number given below.

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